

**SHB 2481** - S COMM AMD

By Committee on Financial Institutions, Housing & Consumer  
Protection

ADOPTED AS AMENDED 02/28/2006

1 Strike everything after the enacting clause and insert the  
2 following:

3 "NEW SECTION. **Sec. 1.** The legislature finds that access to  
4 insurance can be imperiled by the response of insurers to criminal  
5 acts. Rather than allow criminals to achieve their objectives, it is  
6 the intent of the legislature that criminals, through criminal acts,  
7 should not dictate insurance underwriting decisions. It is the intent  
8 of the legislature that courts should use restitution from perpetrators  
9 of intentional property crimes to make property owners and insurers  
10 whole.

11 NEW SECTION. **Sec. 2.** A new section is added to chapter 48.18 RCW  
12 to read as follows:

13 (1) For the purposes of this section:

14 (a) "Arson" has the same meaning as in chapter 9A.48 RCW.

15 (b) "Health care facility" has the same meaning as defined in RCW  
16 48.43.005.

17 (c) "Health care provider" has the same meaning as defined in RCW  
18 48.43.005.

19 (d) "Insured" means a current policyholder or a person or entity  
20 that is covered under the insurance policy.

21 (e) A perpetrator does not have to be identified for an act of  
22 arson or malicious mischief to have occurred.

23 (f) "Malicious mischief" has the same meaning as in chapter 9A.48  
24 RCW.

25 (g) "Underwriting action" means an insurer:

26 (i) Cancels or refuses to renew an insurance policy; or

27 (ii) Changes the terms or benefits in an insurance policy.

28 (2) This section applies to property insurance policies if the  
29 insured is:

- 1 (a) A health care facility;
- 2 (b) An independent health care clinic;
- 3 (c) A health care provider;
- 4 (d) A religious organization;
- 5 (e) A commercial, research, or educational organization that uses
- 6 animals or plants for food, fiber production, agriculture, breeding,
- 7 processing, research, or testing; or
- 8 (f) A commercial, research, or educational organization that uses,
- 9 purchases, or offers for sale a product that contains animal or plant
- 10 material.

11 (3) An insurer may not take an underwriting action on a policy  
12 described in subsection (2) of this section because an insured has made  
13 one or more insurance claims for any loss that occurred during the  
14 preceding sixty months that is the result of arson or malicious  
15 mischief. An insurer may take an underwriting action due to other  
16 factors that are not prohibited by this subsection.

17 (4) If an insured sustains a loss that is the result of arson or  
18 malicious mischief, the insured must file a report with the police or  
19 other law enforcement authority within thirty days of discovery of the  
20 incident, and a law enforcement authority must determine that a crime  
21 has occurred. The report must contain sufficient information to  
22 provide an insurer with reasonable notice that the loss was the result  
23 of arson or malicious mischief. The insured has a duty to cooperate  
24 with any law enforcement official or insurer investigation.

25 (5) Annually, each insurer must report underwriting actions to the  
26 commissioner if the insurer has taken an underwriting action against  
27 any insured who has filed a claim during the preceding sixty months  
28 that was the result of arson or malicious mischief. The report must  
29 include the policy number, name of the insured, location of the  
30 property, and the reason for the underwriting action.

31 **Sec. 3.** RCW 9A.56.200 and 2002 c 85 s 1 are each amended to read  
32 as follows:

- 33 (1) A person is guilty of robbery in the first degree if:
  - 34 (a) In the commission of a robbery or of immediate flight
  - 35 therefrom, he or she:
    - 36 (i) Is armed with a deadly weapon; or

1 (ii) Displays what appears to be a firearm or other deadly weapon;  
2 or  
3 (iii) Inflicts bodily injury; or  
4 (b) He or she commits a robbery within and against a financial  
5 institution as defined in RCW 7.88.010 or 35.38.060. Evidence showing  
6 that the establishment robbed was a financial institution is not  
7 required when "bank," "savings and loan," "trust," "payday," or "credit  
8 union" appears in the name of the establishment.  
9 (2) Robbery in the first degree is a class A felony."

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10 On page 1, line 1 of the title, after "Relating to" strike the  
11 remainder of the title and insert "insuring victims of crimes and  
12 robbery in the first degree; amending RCW 9A.56.200; adding a new  
13 section to chapter 48.18 RCW; creating a new section; and prescribing  
14 penalties."

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